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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,943	09/10/2003	Nicholas Simons	MSFT120206	3530

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SEATTLE, WA 98101-2347

EXAMINER
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TERMANINI, SAMIR

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/658,943

Applicant(s)

SIMONS ET AL.

Examiner

Samir Termanini

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### BACKGROUND

1. This action is responsive to the following communications: Application filed on 9/6/2003.
2. Claims 1-24 are pending in this case. Claims 1, 14, and 20 are in independent form. Claims 12-13, 18-19, and 23-24 are Multiple dependent claims.
3. The information disclosure statement (IDS) filed on 9/10/2003 has been acknowledged and considered by the examiner. The Initial copy of form PTO-1449 is included in this office action.

### CLAIM REJECTIONS - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13, 19 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, Claims 13, 19, and 24 provide for a "computer-controlled system," but, since the claims do not set forth any structure structural connections

involved in the apparatus, it is unclear what apparatus applicant is intending to encompass.

CLAIM REJECTIONS - 35 U.S.C. §101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 13, 19, and 24 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. More specifically, the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts, to be a process, nor are they a combination of chemical compounds to be a composition of matter. Claims 13, 19, and 24 appear to be directed to computer programs claimed as computer listings per se, i.e., the descriptions or expressions of software programs because the "System" of claims 13, 19, and 24, lacks any structure structural connections involved in the apparatus. Additionally, the "System" does not necessarily mean a hardware system and could be a software-only-system, exclusive of those that are "computer-readable." Accordingly, they do not define any structural and functional interrelationship between the software program and other claimed elements of a computer which permit the software program's functionality to be realized. Therefore, claims 13, 19, and 24, being directed toward computer listings per se, fail to fall within a statutory category.

CLAIM REJECTIONS - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by *Barth et al.*

As to independent claim 1, *Barth et al.* describe: A computer-implemented method for processing featured content ("...contents of the information received in the request...", para. [0188]), the method comprising: generating a database query for featured content items ("...query...", para. [0195]); receiving featured content items in response to the database query ("...provided result information only when that information meets a particular criteria...", para. [0195]); storing the featured content items in memory ("...memory...", para. [0203]); selecting a predetermined number of featured content items from the featured content items stored in memory ("...selection of a pre-existing set of information as identifying the user's interest...", para. [0058]); storing the selected featured content items in a system registry ("...a list of strings maintained by the client. This list is stored in the Windows registry...", para. [0061]); and in response to receiving a command from a software application to display at least

one featured content item ("...user input ...," para. [0058]), retrieving featured content items stored in the system registry and displaying the featured content items on a graphical user interface ("...displaying the results in the client...," para. [0194]).

As to dependent claim 2, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1 ("...When a user clicks a link in the displayed page ...," para. [0144]), wherein the featured content items contain hyperlinks and text data associated with the hyperlinks ("...HTML formatting directives from text content that is to be searched and from the URLs of other referenced Internet objects ...," para. [0009]).

As to dependent claim 3, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1 ("...randomly-accessible database records...," para. [0209]), wherein selecting a predetermined number of featured content items includes randomly selecting three featured content items from the featured content items stored in memory ("...In an embodiment, this includes up to three sets of data...," para. [0247]).

As to dependent claim 4, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the method further comprises: determining if at least one featured content item is stored in the system registry ("...when it is out of date...," para. [0061]); if no featured content items are stored in the system registry ("...results expire...," para. [0112]), selecting predetermined number of default items from a list of default items stored in memory ("...factory can manage caches and pools of previously-created or pre-allocated objects, to optimize the management of memory ...," para. [0203]); and displaying the data of the default items on a graphical user interface ("...displayed to the user...," para. [0222]).

As to dependent claim 5, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the displayed featured content items provide instruction for operating a software application ("...containing instructions to the client as to the data that should be extracted from the page with the URL and POSTed to the Copilot Servlet. ...," para. [0153]).

As to dependent claim 6, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the displayed featured content items include data that form an example search string ("...raw results found from the various suppliers...," para. [0190]), wherein the example search string is displayed on the graphical user interface with a text entry field for receiving search strings ("...presented to the user ...," para. [0190]).

As to dependent claim 7, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the command to display at least one featured content item is invoked during the boot process of a calling software application ("...the boot-up of a server system, the server registers itself with the first monitor system on its list that will respond...," para. [0101]).

As to dependent claim 8, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the query comprises an identifier related to a particular topic ("...buy tracking...," para. [0106]), and wherein the featured content items forming the data set have at least one database attribute that is associated with the identifier ("...a "receipt" page...," para. [0106]).

As to dependent claim 9, which depends from claim 8, *Barth et al.* further discloses: The method of Claim 8, wherein the identifier is associated with at least one computer software application ("..."Tomcat" is used to execute the servlets on the server systems. ..., " para. [0101]).

As to dependent claim 10, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the method further comprises: determining if individual featured content items are out of date ("...out of date...", para. [0061]); and if individual featured content items are out of date ("...out of date...", para. [0061]), removing the individual featured content items from the memory ("...updated by the server...", para. [0061]).

As to dependent claim 11, which depends from claim 1, *Barth et al.* further discloses: The method of Claim 1, wherein the query is configured with a database attribute to filter featured content items based on a value indicative of a rating associated with an individual featured content item ("...contents of the information received in the request...", para. [0188]).

As to multidependent claim 12, *Barth et al.* further disclose: A computer-readable medium containing computer-readable instructions which, when executed by a computer, perform the method of any one of Claims 1-11 (See claims 60-61).

As to multidependent claim 13, *Barth et al.* further disclose: A computer-controlled system for performing the method of any one of Claims 1-11 (See claims 40-59).



As to independent claim 14, *Barth et al.* describe: A computer-implemented method of displaying featured content items in a hypertext document ("...web pages (HTML and JavaScript)...," para. [0158]), wherein the method comprises: in response to receiving a request for a hypertext document containing information that describes a topic ("...web page content received by the browser from the supplier web site...," para. [0155]), generating a database query for a number of featured content items ("...Queries are formulated from the user search and transferred to each selected supplier over a network coupling...," para. [0013]), wherein the query is configured with an identifier associated with the topic ("...information includes, but is not limited to, information regarding goods, services, and commodities...," para. [0012]); receiving featured content items in response to the database query ("...gathers and evaluates information from multiple electronic sources and presents relevant information to potential buyers, sellers, or traders...," para. [0012]); determining if the number of received featured content items is greater than a predetermined number of featured content items ("...a numeric score (applying the desired criteria) for each individual data item...," para. [0193]); and if the number of received featured content items is greater than the predetermined number of featured content items ("...achieving a score above a certain threshold ...," para. [0193]), formatting said hypertext document to include at least one featured content item for display, the hypertext document being formatted to display the data of the featured content item with the contents of the hypertext document ("...displayed results per supplier...," para. [0193]).

As to dependent claim 15, which depends from claim 14, *Barth et al.* further discloses: The method of Claim 14 , wherein the method further comprises ("...formatting and presentation ...," para. [0220]), formatting said hypertext document without the featured content items if the number of received featured content items is not greater than the predetermined number of featured content items ("...The pre-search filtering step gives the server the opportunity to remove a supplier from the list of suppliers to search based on the number of searches of that supplier that have been recently performed or are expected in the near future. ...," para. [0221]; "...adjusted up or down after each supplier's results are received and it can be determined whether the average number of results per supplier so far sent to the client is above or below the target average number of displayed results per supplier...," para. [0193]).

As to dependent claim 16, which depends from claim 14, *Barth et al.* further discloses: The method of Claim 14 , wherein the method further comprises: determining if one or more of the featured content items has a priority status ("...status information...," para. [0013]); if one or more of the featured content items has a priority status , selecting a predetermined number of featured content items having a priority status for display ; and formatting said hypertext document to include ("...reduce the amount of data that the user has to sift through by providing only those results that are most likely to be selected...," para. [0190]) said selected predetermined number of featured content items having a priority status ("...an electronic link may be provided to a web site of each supplier from which the information was derived...," para. [0013]), the hypertext document being formatted to display the selected number of featured

content items having a priority status with the contents of the hypertext document ("...web sites...", para. [0013]; "... not cluttering the list of results with this type...", para. [0191]).

As to dependent claim 17, which depends from claim 14, *Barth et al.* further discloses: The method of Claim 14, wherein the query is configured with a database attribute to filter featured content items ("...Filtering and pruning ...," para. [0217]) based on a value indicative of a rating associated with an individual featured content item ("...likelihood of a relevant result being returned from the search based on prior system experience...", para. [0217]).

As to multidependent claim 18, *Barth et al.* further disclose: A computer-readable medium containing computer-readable instructions which, when executed by a computer, perform the method of any one of Claims 14-17.

As to multidependent claim 19, *Barth et al.* further disclose: A computer-controlled system for performing the method of any one of Claims 14-17.

As to independent claim 20, *Barth et al.* describe: A method for updating a database of featured content items, wherein each featured content item of the database comprises an attribute that indicates if the featured content item is of interest or not of interest ("...control or sequence of controls that indicate an interest in a supported type of information...", para. [0058]), wherein the method comprises: determining if a featured content item has expired; determining if the featured content item is highly rated; if the featured content item has expired ("...expire...", para. [0112]), modifying

the attribute to indicate that the featured content item is not of interest ("...deactivated...", para. [0112]); and if the featured content item has not expired and if the featured content item is highly rated , modifying the attribute to indicate that the featured content item is of interest ("..."reserve" control ...," para. [0226]).

As to dependent claim 21, which depends from claim 20, *Barth et al.* further discloses: The method of Claim 20 , wherein the method further comprises: determining if the featured content item is new ("...results marked with any search ID other than the most recent...", para. [0247]); and if the featured content item has not expired and if the featured content item is new ("...primary mechanism for this monitoring is capturing the user web browser requests for new pages...", para. [0060]; also ("...most recent ...," para. [0247]), modifying the attribute to indicate that the featured content item is of interest ("...the UID-associated information is stored in the database. It is updated when the user invokes the client user-interface ...," para. [0252]).

As to dependent claim 22, which depends from claim 20, *Barth et al.* further discloses: The method of Claim 20 , wherein the method further comprises: determining if the featured content item has been displayed more than a predetermined number of times ("...number of results per supplier ...," para. [0193]); and if the featured content item has not expired and if the featured content item has been displayed more than a predetermined number of times ("...is above or below the target average number of displayed results per supplier. ...," para. [0193]), modifying the attribute to indicate that the featured content item is of interest ("...assigned a different search ID number...", para. [0247]).

As to dependent claim 22, which depends from claim 20, *Barth et al.* further discloses: The method of Claim 20, wherein the method further comprises: determining if the featured content item has been displayed more than a predetermined number of times ("...most recent search and discard the rest...", para. [0247]); and if the featured content item has not expired and if the featured content item has been displayed more than a predetermined number of times, modifying the attribute to indicate that the featured content item is of interest ("...assigned a different search ID number...", para. [0247]).

As to multidependent claim 23, *Barth et al.* further disclose: A computer-readable medium containing computer-readable instructions which, when executed by a computer, perform the method of any one of Claims 20-22.

As to multidependent claim 24, *Barth et al.* further disclose: A computer-controlled system for performing the method of any one of Claims 20-22.

#### CONCLUSION

10. Although not relied upon, the following prior art is made of record because it considered pertinent to applicant's disclosure:

Watson; Ralph T. et al.	US 5317688 A	Software agent used to provide instruction to a user for a plurality of computer applications
Mori; Toshiya	US 5513308 A	Device and method for determining a series of operations for interactive assistance
Brewer; Gregory S. et al.	US 5550967 A	Method and apparatus for generating and displaying visual cues on a graphic user interface
Strahorn; Chris et al.	US 5933140 A	Child window containing context-based help and a miniaturized web page

Gershman; Anatole Vitaly et al.	US 6199099 B1	System, method and article of manufacture for a mobile communication network utilizing a distributed communication network
Lui; Philip et al.	US 6340977 B1	System and method for dynamic assistance in software applications using behavior and host application models
Lui, Philip et al.	US 20020118220	System and method for dynamic assistance in software applications using behavior and host application models
Hopkins; Rosalie Marie et al.	US 6687485 B2	System and method for providing help/training content for a web-based application
Hopkins; Rosalie Marie et al.	US 6882825 B2	System and method for providing help/training content for a web-based application

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 4 P.M., Monday through Friday (excluding alternating Fridays).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

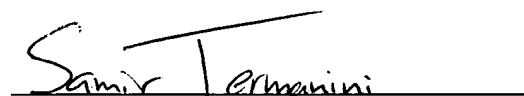
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, *see* <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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A handwritten signature in black ink, appearing to read "Samir Termanini", written over a horizontal line.

Samir Termanini  
Patent Examiner  
Art Unit 2178

A handwritten signature in black ink, appearing to read "Stephen Hong", written over a horizontal line.  
**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**